

Statement of John Conyers, Jr.  
March 20, 2005

I rise in strong opposition to this legislation.

By passing this bill, in this form, we will be intruding in the most sensitive possible family decision at the most ill-opportune time. It will be hard for this member to envision a case or circumstance that Congress will not be willing to involve itself in under this precedent.

By passing legislation which takes sides in an ongoing legal dispute, we will be casting aside the principle of separation of powers. We will be abandoning our role as a serious legislative branch, and take on the role not only of Judge, but of Doctor, Priest, Parent and Spouse.

By passing legislation which wrests jurisdiction away from a state judge and sends it to a single preselected federal court, we will abandon any pretense of federalism. The concept of a Jeffersonian Democracy as envisioned by the founders, and the states as “laboratories of democracy” as articulated by Justice Brandeis will lie in tatters.

By passing this legislation, in the complete absence of hearings or a committee markup, and with no opportunity for amendments, in complete violation of what we used to call “regular order,” we will send a signal that the usual rules of conduct and procedure no longer apply when they are inconvenient to the Majority Party.

By passing this legislation, and taking this sensitive decision away from a spouse and giving it to a federal court, we will make it abundantly clear that all the talk last year about marriage being a “sacred trust between a man and a woman” was just that – talk.

My friends on the other side of the aisle will declare that this legislation is about principle, and morals and values.

But if this legislation was only about principle, why would the Majority party be distributing talking points in the other body declaring that “this is a great political issue” and that by passing this bill, “the pro-life base will be excited.”?

If the president really cared about the issue of the removal of feeding tubes, why would he have signed a bill in Texas that allows hospitals to save money by removing feeding tubes over a family’s objection?

If we really cared about saving lives, why would the Congress sit idly by while 40 million Americans have no health insurance, or while the president tries to cut billions of dollars from Medicaid – a virtual lifeline for millions of our citizens?

When all is said and done, this bill is about nothing more than taking sides in a legal dispute. Last year, the Majority passed two bills stripping the federal courts of their power to review cases involving the Defense of Marriage Act and the Pledge of Allegiance because they feared they would read the Constitution too broadly. Last month, the Majority passed a class action bill that took jurisdiction away from state courts because they feared they would treat corporate wrongdoers too harshly. Today we are sending a case from the state courts to the federal courts even though it is the most extensively litigated “right to die” case in our nation’s history.

There is only one principle at stake here – manipulating the court system to achieve pre-determined substantive outcomes. By passing this law, it should be obvious to all that we are no longer a nation of laws, but have been reduced to a nation of men. By passing this law, we will be telling our friends abroad that even though we expect them to live by the rule of law, Congress can ignore it when it doesn’t suit our needs. By passing this law we diminish our nation as a democracy and ourselves as legislators.

I urge a No vote.